

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	:	Chapter 11
	:	
NEIMAN MARCUS GROUP LTD LLC, <i>et al.</i> ,	:	Case No. 20-32519 (DRJ)
	:	
Debtors. ¹	:	(Jointly Administered)
	:	

**MOTION OF MARBLE RIDGE CAPITAL LP
TO FILE THE CASE-RELATED DOCUMENTS UNDER SEAL**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE APPLICANT TO RESOLVE THE DISPUTE. IF YOU AND THE APPLICANT CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE APPLICANT. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE APPLICATION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE APPLICATION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

Marble Ridge Capital LP and Marble Ridge Master Fund LP (“Marble Ridge”) hereby moves this Court (this “Seal Motion”), pursuant to sections 105 and 107(b) of title 11 of the

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Neiman Marcus Group LTD LLC (9435); Bergdorf Goodman Inc. (5530); Bergdorf Graphics, Inc. (9271); BG Productions, Inc. (3650); Mariposa Borrower, Inc. (9015); Mariposa Intermediate Holdings LLC (5829); NEMA Beverage Corporation (3412); NEMA Beverage Holding Corporation (9264); NEMA Beverage Parent Corporation (9262); NM Bermuda, LLC (2943); NM Financial Services, Inc. (2446); NM Nevada Trust (3700); NMG California Salon LLC (9242); NMG Florida Salon LLC (9269); NMG Global Mobility, Inc. (0664); NMG Notes PropCo LLC (1102); NMG Salon Holdings LLC (5236); NMG Salons LLC (1570); NMG Term Loan PropCo LLC (0786); NMG Texas Salon LLC (0318); NMGP, LLC (1558); The Neiman Marcus Group LLC (9509); The NMG Subsidiary LLC (6074); and Worth Avenue Leasing Company (5996). The Debtors’ service address is: One Marcus Square, 1618 Main Street, Dallas, Texas 75201.

United States Code, 11 U.S.C. §§ 101 et seq. (the “Bankruptcy Code”), Rule 9018 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rule 9037-1 of the Local Rules of the United States Bankruptcy Court for the Southern District of Texas (the “Local Rules”), requesting that the Court enter an order authorizing Marble Ridge to file the August 4, 2020 declaration of Edward S. Weisfelner and the exhibits attached thereto (the “Case-Related Documents”) under seal. In support of this Motion to Seal, Marble Ridge respectfully represents as follows:

RELIEF REQUESTED

1. On August 3, 2020 the Official Committee of Unsecured Creditors appointed in these cases (the “Committee”) filed the *Motion Of The Official Committee Of Unsecured Creditors To File Case-Related Document Under Seal* (the “Committee’s Motion to Seal”) [Docket No. 1428].

2. Marble Ridge has no objection to the relief sought in the Committee’s Motion to Seal, provided it has an opportunity to provide additional context for the benefit of the Court, in the form of the Case-Related Documents.

3. Consistent with the relief sought in the Committee’s Motion to Seal, Marble Ridge files this Motion to Seal and respectfully requests that the Case-Related Documents likewise be filed under seal.

4. Alternatively should the Court deny the Committee’s Motion to Seal, Marble Ridge would respectfully withdraw this Motion to Seal and would arrange to have the Case-Related Documents filed on the public docket and served on all case parties in interest.

ARGUMENT

5. The Court is authorized to protect entities with respect to certain confidential information. *See* 11 U.S.C. § 107(b); 11 U.S.C. § 105(a) (authorizing the Court to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title”).

6. Rule 9018 of the Federal Rules of Bankruptcy Procedure implements section 107(b) and provides in pertinent part:

On motion or on its own initiative, with or without notice, the court may make any order which justice requires (1) to protect the estate or any entity in respect of a trade secret or other confidential research, development, or commercial information

Fed. R. Bankr. P. 9018.

7. The Local Rule 9037-1(c) provides that “[a] motion, reply or other document may initially be filed under seal if the filing party simultaneously files a motion requesting that the document be maintained under seal.”

8. Generally, the Court “must balance the public’s common law right of access against interests favoring non-disclosure” when considering a motion to seal. *Pamlab, L.L.C. v. Brookstone Pharm., L.L.C.*, No. 09-7434, 2010 WL 4363870, at *2 (E.D. La. Oct. 22, 2010). Accordingly, this Court is well-acquainted with the interests favoring non-disclosure of the Parties’ confidential commercial, financial, and/or business information, which are recognized interests that may overcome the public’s right to access. *See Romero v. Drummond Co.*, 480 F.3d 1234, 1246 (11th Cir. 2007) (“A party’s privacy or proprietary interest in information sometimes overcomes the interest of the public in accessing the information”) (citing *Nixon v. Warner Comm.*, 435 U.S. 589, 598 (1978)).

9. Here, the Case-Related Documents may contain confidential case-related information. Out of an abundance of caution, and in accordance with the Court's CM/ECF procedures, Marble Ridge has filed the Case-Related Documents under seal with access restricted to Court users only and has served the Case-Related Documents on counsel to the Committee and the Debtors.

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WHEREFORE, Marble Ridge respectfully requests that the Court enter an order permitting the Case-Related Documents to be filed under seal and granting such other and further relief as the Court may deem appropriate under the circumstances.

Dated: August 4, 2020

Houston, Texas

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*Counsel to Marble Ridge Capital LP and
Marble Ridge Master Fund LP*

CERTIFICATE OF SERVICE

The undersigned certifies that on August 4, 2020, a true and correct copy of this document was served via the Court's CM/ECF system on all counsel of record who are deemed to have consented to electronic service.

/s/ Kyung S. Lee

Kyung S. Lee